761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 30, 2007

OFFICE CORRESPONDENCE FILE NO. SH2176359

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY GRANT E. ROTH, #[redacted]
DEPUTY TODD W. SHAFFER, #[redacted]
PALMDALE STATION

On Friday, July 21, 2006 at 0520 hours, deputies received a radio call at regarding a possibly drunk woman armed with handguns at the Palmdale City Hall complex. Upon arrival at the scene, Deputies Shaffer and Roth contacted a city employee who told them the woman was attempting to hide behind parked vehicles in the parking lot.

The deputies turned off the patrol vehicle's headlights and drove closer to the woman's location until they saw the woman behind a vehicle. The woman (Suspect Dyer) was walking away from the deputies and holding a handgun in each hand. Both Deputy Shaffer and Deputy Roth yelled at her to stop and drop the weapons, but she refused to comply. She then started walking away from the deputies at a faster pace. Deputy Shaffer then notified assisting units in the area that she was armed running toward them.

The deputies drove their patrol car toward Suspect Dyer and repositioned it to contact her again. Deputy Shaffer took a position of cover at a pick-up truck parked in the lot to the rear, while Deputy Roth took cover at the front of the truck with the shotgun. They were then advised that she was walking back toward them. Without warning, Suspect Dyer abruptly turned toward Deputies Shaffer and Roth, then pointed both handguns in their direction. Deputy Shaffer fired two rounds from his Beretta 9mm handgun and Deputy Roth fired one round from the shotgun. Suspect Dyer fell to one knee and struggled to regain her balance. As she regained her composure, she again raised both guns and pointed them directly at the deputies. Deputy Shaffer fired two rounds and Deputy Roth fired his shotgun again.

After the second volley of rounds Suspect Dyer fell to the ground and the handguns landed on the pavement behind her, near her left side. After Deputy Shaffer completed a broadcast advising of the shooting, the suspect began to sit up again, and Deputy Shaffer yelled for her to stop. Suspect Dyer refused to comply with

Deputy Shaffer's commands and rolled to her right side, grabbed both handguns, sat upright again, and pointed both guns at the deputies. Deputy Shaffer fired one round from his Beretta and Deputy Roth fire one round from his shotgun.

Following the final series of shots, it appeared Suspect Dyer was not going to get up again. Sergeant Eric Ruble arrived within seconds and a plan was made to safely approach and arrest Suspect Dyer.

Suspect Dyer was arrested and airlifted to Holy Cross Hospital where she was treated for multiple gunshot wounds. Suspect Dyer has a long history of mental illness.

On November 29, 2007 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Grant Roth was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/025.00, Use of Force, MMP § 3-01/025.30, Use of Firearms and Deadly Force, and MMP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Todd Shaffer was reasonable and necessary and in compliance with Department policy.

MMP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Roth and Shaffer in this incident were within Department Policy.

Johnny G. Jurado, Commander

JGJ:MOT:mt

TABLE OF CONTENTS
SH#2176359

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: July 21, 2006	Bureau/Station/Facility: Palmdale Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 406-13318-2610-055	Date: July 21, 2006 Time: 0520 hours
City or Station: Palmdale Station	Nature of Incident: Deputies Shaffer and Roth responded to a call of a woman with a gun at City Hall and upon arrival saw the woman who was holding two handguns. Deputies directed her to drop her weapons and she ran off. After assisting deputies cordoned her off, she ran back into courtyard/parking area and was again ordered to drop her handguns and she again did not comply. As she moved her arms up and Deputy Shaffer fired four rounds from his Beretta while Deputy Roth fired four rounds from his shotgun, striking the suspect.
Location: Avenue Q-11 at Sierra Hway (Palmdale City Hall complex)	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot**, Residence, Rural, School, Street, Other: City hall

Lighting (*circle only one*): **Darkness**, Daylight, **Other** Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 80 yards

Incident Type (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: armed w/2 handguns

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 9

Total # of Shots Fired by Suspect: none

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
[redacted]	[redacted]	[redacted]		
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]
[redacted]	[redacted]	[redacted]		
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]
[redacted]	[redacted]	[redacted]		
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Ruble	Erik	D.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Gunn	Anthony	L.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Ford	Don	P.

PSTD Use Only

SH# 2176359

Officer Involved Shooting

URN: 406-13318-2610-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
July 21, 2006	0700 hours	10-16-07	

Employee #	Last Name	First Name	M.I
[redacted]	Stunson	David	J.
[redacted]	Hill	Scott	G.
[redacted]	Slawson	Donald	M.

Shooting/Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	BR	9			NN	
S#1	E#1	FH	SW	9			NN	
E#1	S#1	FS	IT	12	Y	Y	GS	LE
E#2	S#1	FH	BR	9	Y	Y	GS	LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 406-13318-2610-055

Involved Employee

E 1

Employee # [redacted]	Last Name Roth	First Name Grant	M.I. E.
Sex: M Race: W	Rank Deputy Sheriff GeneralisT	Unit Assignment: Palmdale	Work Assignment (Unit #, Module, etc.): 261
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 6-01	Weight: 220	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name Shaffer	First Name Todd	M.I. W.
Sex: M Race: W	Rank Deputy Sheriff B-1	Unit Assignment: Palmdale	Work Assignment (Unit #, Module, etc.): 261
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: Can't remember	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 5-08	Weight: 165	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 406-13318-2610-055

Suspect Information

S 1

Last Name: Dyer		First Name: Susan	M.I.: nmn
AKA Last Name: none		First Name:	M.I.:
Sex: F Race: W	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 43 D.O.B. 10-25-62	Height: 5-06 Weight: 165	FBI #: [redacted]	CII #: [redacted]
Booking #: none	Primary Charge: ADW on a PO, 245(d)(1) P.C.	Secondary Charge: Felon W/Firearm, 12021.1(a) P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History? [redacted]
Vehicle Make: Mercedes		Model: 24DD	Year: 1982

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S ___

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

July 3, 2007

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 06-0447
L.A.S.D. File No. 006-13318-2610-055

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 21, 2006, non-fatal shooting of Susan Dyer by Los Angeles County Sheriff's Deputies Todd Schaffer and Grant Roth. We have concluded that the deputies acted lawfully in self-defense and in the defense of others.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Sergeant Howard Cooper on March 21, 2007. The District Attorney Command Center was notified of the shooting at approximately 6:15 a.m. on July 21, 2006. The District Attorney Response Team, comprised of Deputy District Attorney Renee Cartaya and District Attorney Senior Investigator [redacted] responded to the scene. We were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Voluntary statements were considered as a part of this analysis.

FACTUAL ANALYSIS

On July 21, 2006, at approximately 5:30 a.m., Deputies Dennis Dubois and Nelson Rios responded to 38300 Sierra Highway in the City of Lancaster in regards to a 911 call. The caller indicated that an armed woman was walking in front of City Hall near Poncitlan Square. Upon their arrival, the deputies immediately met [redacted] who pointed to a woman, later identified as Susan Dyer, standing in front of City Hall holding two handguns. As Deputies Dubois and Rios looked in Dyer's direction,

Deputies Todd Shaffer and Grant Roth entered the north parking lot area in their patrol vehicle. Another [redacted] directed them to Dyer at the south end of the parking lot.

Shaffer turned off the patrol vehicle's headlights and drove southbound in the parking lot until he was approximately 25 to 35 yards away from Dyer. Roth illuminated Dyer with the spotlight and both deputies observed Dyer holding two black semiautomatic pistols. She walked in a southwesterly direction and held a pistol in each hand at her side, with both weapons pointed toward the ground. Dyer had a blank "zombie" like stare on her face. Both Shaffer and Roth ordered Dyer to stop and drop the guns. Dyer ignored the deputies' commands and quickened her pace as she walked away from them. She turned westbound and began jogging, increasing the distance between them. Shaffer notified the other units of Dyer's description, location, and her direction of travel.

Shaffer and Roth lost sight of Dyer as she ran towards Sierra Highway. They repositioned their patrol vehicle near a parked truck and took positions behind the truck. Roth, armed with a department issued shotgun, stood behind the hood of the truck while Shaffer was behind the bed of the truck with his department issued Beretta 9mm semiautomatic pistol. They were notified by radio that Dyer was returning to their location. Shaffer and Roth observed Dyer walking toward their general direction. Both deputies repeatedly ordered her to stop and to drop the handguns. As Dyer advanced to their location, she turned and began walking directly toward them.

Dyer raised her arms and pointed both pistols at Shaffer and Roth. In fear for their safety, Shaffer fired two rounds at Dyer, and Roth simultaneously fired one round in her direction. The impact pushed Dyer back a couple of feet. Roth ordered Dyer to drop the weapons but she continued to point both pistols directly at the deputies. Shaffer fired two additional rounds from his pistol while Roth fired another round from his shotgun. Dyer dropped to one knee and pointed the pistols down toward the ground for a brief second. She raised and pointed the pistols at the deputies. Roth fired another round at Dyer. The impact caused Dyer to fall backwards onto the pavement. Both of her guns landed on the pavement near her right side.

Shaffer called for back-up on his handheld radio and noted that they had been involved in a shooting. Roth ordered Dyer not to move and to stay on the ground. Dyer ignored his commands and rolled over and grabbed both handguns. She sat up, and again pointed both guns at the deputies. In fear for their safety, Shaffer fired one round from his pistol and Roth fired one round from the shotgun. Dyer immediately fell to her left side. She appeared as if she was trying to get up because she continued to move her right arm up and down. Both deputies ordered her to remain still, and not to grab the guns.

Within seconds, Sergeant Ruble arrived and an arrest team was formed. The arrest team consisted of Ruble, Roth, Shaffer, Dubois and Rios. The arrest team handcuffed Dyer without further incident. She was transported by ambulance to the Palmdale station and subsequently airlifted to Holy Cross Hospital.

Investigators recovered Dyer's Beretta 9mm semiautomatic handgun, which was loaded with nine live rounds, and her Smith & Wesson 9mm semiautomatic handgun, which was also loaded with ten live rounds. Ballistic evidence from the crime scene confirmed that Shaffer fired five rounds and Roth fired four rounds during the incident.

Investigators interviewed Dyer on July 23, 2006 at Holy Cross Medical Center. Dyer stated, "I didn't mean any harm to anyone, I just wanted them to kill me. That's all I'm gonna say." During Dyer's hospitalization at Holy Cross Medical Center, she assaulted a nurse and a deputy sheriff.

Investigators interviewed [redacted] Susan Dyer's [redacted] explained that he recently returned from a business trip and discovered his Beretta semiautomatic pistol and his Smith & Wesson semiautomatic pistol were missing. His [redacted] Susan Dyer, had been residing in his home and has a long history of mental illness. [redacted] During the trial she was diagnosed as a paranoid schizophrenic.

On July 25, 2006, case MA035747 was filed against Dyer alleging two counts of assault on a peace officer with a semiautomatic firearm in violation of Penal Code section 245(D), two counts of grand theft firearm in violation of Penal Code section 487(D)2, and two counts of a convicted felon in possession of a firearm in violation of Penal Code section 12020(A)1. The case is currently set for pretrial.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v Williams (1977) 75 Cal. App.3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. Judicial Council of California Criminal Jury Instructions-3470.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 US 386, 396-397.

The evidence examined in this investigation shows that Susan Dyer ignored the deputies repeated requests to stop and drop the handguns. She pointed both weapons directly at Deputies Shaffer and Roth. Believing they would be killed or seriously injured, both deputies fired their service weapons injuring Dyer.

We conclude that Deputies Todd Shaffer and Grant Roth were placed in imminent danger and acted reasonably and lawfully in self-defense and defense of others when they used deadly force against Susan Dyer. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

RENEE S. CARTAYA
Deputy District Attorney
(213)974-5090

c: Deputy Todd Shaffer, #[redacted]
Deputy Grant Roth, #[redacted]